

REMARKS

Summary of the Office Action

Claims 1-3, 6, 7, 10-12, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,301,242 to *Lindsay et al.* in view of U.S. Patent No. 6,775,259 to *Ranta*.

Claims 4, 5, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Lindsay et al.* in view of *Ranta*, and further in view of U.S. Patent No. 5,600,707 to *Miller*.

Summary of the Response to the Office Action

Applicants respectfully traverse all rejections under 35 U.S.C. § 103(a).

Applicants have amended claims 1 and 10 solely to expedite prosecution of this application. No new matter has been introduced.

Accordingly, claims 1-7, and 10-16 are presently pending for further consideration, claims 8 and 9 having been withdrawn.

Request for Interview

Based upon the protracted prosecution history of the present application and a willingness to discuss the specifics of Applicants' claimed invention, Applicants again respectfully request an interview with the Examiner in order to advance prosecution of the present application. Accordingly, Applicants respectfully request that the Examiner contact Applicants' undersigned representative as soon as this Amendment is received and entered, and the application is made available to the Examiner in order to arrange a mutually acceptable time with which to conduct an interview.

All Claims Recite Allowable Subject Matter

Claims 1-3, 6, 7, 10-12, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Lindsay et al.* in view of *Ranta*. Claims 4, 5, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Lindsay et al.* in view of *Ranta*, and further in view of *Miller*.

As amended, independent claims 1 and 10 recite, *inter alia*, placing a user message in a spare field of a signaling message for setting up the call channel, said signaling message including a parameter to indicate the presence of said spare field, the user message originating at a mobile terminal. *Lindsay et al.* and *Ranta*, whether taken alone or in combination, fail to teach or suggest at least these features of independent claims 1 and 10.

The pending Office Action noted that the amended features were not previously claimed, and declined to consider these features. (Page 7, lines 17-19). The Office Action expressly admits that *Lindsay et al.* fails to teach placing a user message in a spare field of a signaling message for setting up the call channel, said signaling message including a parameter to indicate the presence of said spare field as previously claimed. (Page 10, lines 6-10). To overcome this admitted deficiency, the Office Action relies upon *Ranta*. Applicants respectfully disagree.

Ranta does not cure the deficiencies in *Lindsay et al.* *Ranta* discloses that the base station can transmit other information in parts of a paging channel. When the terminal receives the paging channel information which belongs to the broadcast control channel, or cell broadcast channel, then it is not necessary to receive the same information again. (Col. 2, lines 42-58). Such paging channel information or other information that is communicated on a broadcast channel cannot properly be equated with a user message that originates at a terminal rather than a base station. Moreover, such broadcast channels cannot be equated with a call channel.

Accordingly, *Lindsay et al.* and *Ranta*, whether taken alone or in combination, fail to teach or suggest each and every feature of claims 1 and 10. *Miller* does not cure this deficiency. Thus, the rejection of claims 1 and 10 should be withdrawn. Furthermore, claims 2-7 and 11-16 depend from one of independent claims 1 or 10. Accordingly, claims 2-7 and 11-16 are also allowable because of the additional features they recite and the reasons stated above.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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